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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/962,645 11/03/97 KAWAI H 35.61460-CI

005514 LM01/0524
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NEW YORK NY 10112

EXAMINER

NGUYEN, L

ART UNIT	PAPER NUMBER
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2712

17

DATE MAILED:

05/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/962,645

Applicant(s)

Kawai

Examiner

Luong Nguyen

Group Art Unit

2712



☒ Responsive to communication(s) filed on Nov 3, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Note that this application is a continuation of application No. 08/426,798 filed 4/24/1995, now abandoned.

Response to Arguments

2. Applicant's arguments with respect to claims 1-32 filed on 10/03/1997 have been considered but are moot in view of the new ground(s) of rejection.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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5. The abstract of the disclosure is objected to because it needs to avoid using "means" .
Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24, line 2, recites the limitation "control means" which has been recited in independent 23, line 19. This is unclear.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 14-18, 20-24 and 26-32 are rejected under 35 U.S.C. 102(a) as being anticipated by Ishiyama (JP 6-225299).

Regarding claim 14, as shown in figure 1, Ishiyama discloses an image pickup means (1), an image pickup direction switching means (3), a first detection means (14) which detects the angle of the image pickup means, and figure 6 shows a storage means (27). As discussed in the

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abstract, the storage of the image is controlled based upon whether the camera is angled toward a document or toward a person. Therefore, the storage means stores "the image signal according to the detected angle." As stated above, even presuming that the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location. Since the Ishiyama system is capable of determining whether the camera is viewing a subject as seen in figure 5, or a document as seen in figure 4, and changing its function accordingly, it is inherent that the system is capable of detecting whether the camera has a predetermined angle. Ishiyama discloses the control means which reads out the images stored in the memory reads out images continuously as long as they are being recorded. Therefore, the control means controls, at an arbitrary timing, output of the image signal stored by the memory.

As for claim 15, the second detection means can also be considered as direction detection part (14). If the camera is fixed and not moving, this detection part will detect this. As stated above, the direction of the camera determines how the image is stored in the memory. Similarly to claim 1 above, the system stores signals when the camera is determined to be fixed, even if it also stores signal at other times.

Regarding claim 16, figures 1-4 show a driving means which moves the camera. Although a moto-type driving means is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input from keyboard 10.

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Regarding claim 17, as stated above, the camera is capable of moving between imaging a document and imaging a person. Images are stores from the camera at all times. Therefore, the time at which the camera changes position from a document to a person is also stored.

Regarding claim 18, figure 6 shows that the images stored in the memory are readout and displayed. This is done constantly while images are being recorded. As such, the storage means is "controlled" (that is, images are read out) at a time at which the camera is shifted from imaging documents to imaging a person.

Regarding claim 20, Ishiyama discloses that the system stores signals at all times, that inherently includes "image signal stored by the storing means repeatedly".

Regarding claim 21, Ishiyama discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle. This shows that "image signal stored by the storing means selectively".

Regarding claim 22, Ishiyama discloses that the system stores signals at all times, and figure 6 shows that the images stored in the memory are readout. This includes the controlling output image signal when the predetermined angle is not detected.

Claim 23 is considered substantively equivalent to claim 14 with the additional limitation of a mount table. This clearly shown as element 5 in figure 1. The "predetermined angle" of claim 1 is equivalent to the "direction for picking up said subject on said mount table".

Regarding claim 24, Ishiyama discloses the control means which reads out the images stored in the memory reads out images continuously as long as they are being recorded.

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Therefore, the control means “allows” a signal previously stored to be read out when the camera is focused on an object other than a document (such as a person).

Claim 26 is considered substantively equivalent to claim 20 discussed above.

Claim 27 is considered substantively equivalent to claim 21 discussed above.

Regarding claim 28, as shown in figure 1, Ishiyama discloses an image pickup means (1), an image pickup direction switching means (3), a first detection means (14) which detects the angle of the image pickup means, and figure 6 shows a storage means (27). As discussed in the abstract, the storage of the image is controlled based upon whether the camera is angled toward a document or toward a person. Therefore, the storage means stores “the image signal according to the detected angle.” As stated above, even presuming that the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location. Since the Ishiyama system is capable of determining whether the camera is viewing a subject as seen in figure 5, or a document as seen in figure 4, and changing its function accordingly, it is inherent that the system is capable of detecting whether the camera has a predetermined angle. Ishiyama discloses the control means which reads out the images stored in the memory reads out images continuously as long as they are being recorded. Therefore, the control means controls, at an arbitrary timing, output of the image signal stored by the memory.

Claim 29 is considered substantively equivalent to claim 17 discussed above.

Claim 30 is considered substantively equivalent to claim 18 discussed above.

Claim 31 is considered substantively equivalent to claim 20 discussed above.

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Claim 32 is considered substantively equivalent to claim 21 discussed above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5, 7-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiyama (JP 6-225299) in view of Ishikawa et al. (US 4,939,580).

Regarding claim 1, as shown in figure 1, Ishiyama discloses an image pickup means (1), an image pickup direction switching means (3), a first detection means (14) which detects the angle of the image pickup means, and figure 6 shows a storage means (27). As discussed in the abstract, the storage of the image is controlled based upon whether the camera is angled toward a document or toward a person. Therefore, the storage means stores "the image signal according to the detected angle." As stated above, even presuming that the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location. Since the Ishiyama system is capable of determining whether the camera is viewing a subject as seen in figure 5, or a document as seen in figure 4, and changing its function accordingly, it is inherent that the system is capable of detecting whether the camera has a

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predetermined angle. Ishiyama fails to explicitly disclose storage means stores image signal only when the predetermined angle is detected. However, Ishikawa et al. teach means for detecting whether or not the camera is movable, and means for inhibiting the video signal from being output when the camera moves (abstract, column 7, lines 13-16, column 9, lines 9-12, column 11, lines 1-35). Ishiyama discloses the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location (predetermined angle). By applying the teaching of Ishikawa et al. into Ishiyama system, Ishiyama system can also store image signal only when the predetermined angle is detected. This allows an undesirable and useless picture is erased (column 2, lines 14-15).

As for claim 2, Ishiyama discloses the second detection means can also be considered as direction detection part (14). If the camera is fixed and not moving, this detection part will detect this. As stated above, the direction of the camera determines how the image is stored in the memory. Similarly to claim 1 above, the system stores signals when the camera is determined to be fixed, even if it also stores signal at other times.

Regarding claim 3, in Ishiyama, figures 1-4 show a driving means which moves the camera. Although a moto-type driving means is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input from keyboard 10.

Regarding claim 4, as stated above, Ishiyama discloses the camera is capable of moving between imaging a document and imaging a person. Images are stores from the camera at all

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times. Therefore, the time at which the camera changes position from a document to a person is also stored.

Regarding claim 5, in Ishiyama, figure 6 shows that the images stored in the memory are readout and displayed. This is done constantly while images are being recorded. As such, the storage means is “controlled” (that is, images are read out) at a time at which the camera is shifted from imaging documents to imaging a person.

Claim 7 is considered substantively equivalent to claim 1 with the additional limitation of a mount table. This clearly shown as element 5 in figure 1. The “predetermined angle” of claim 1 is equivalent to the “direction for picking up said subject on said mount table”.

Regarding claim 8, Ishiyama discloses the control means which reads out the images stored in the memory reads out images continuously as long as they are being recorded. Therefore, the control means “allows” a signal previously stored to be read out when the camera is focused on an object other than a document (such as a person).

Claim 10 is considered substantively equivalent to claim 1 discussed above.

Claim 11 is considered substantively equivalent to claim 4 discussed above.

Claim 12 is considered substantively equivalent to claim 5 discussed above.

Regarding claim 13, figure 6 shows that the images stored in the memory are readout. Ishiyama discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle.

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11. Claims 6, 9, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiyama (JP 6-225299) in view of Ishiyama et al. (4,939,580) further in view of Mizoguchi (EP 617562).

As for claims 6, 9, 19 and 25, Ishiyama and Ishiyama et al. do not explicitly state that the storage means includes more than two storage areas. This implies that two or more frames of image data may be stored in the memory. Mizoguchi also discloses a camera system that stores image data of people or images of events other than people. On page 4, lines 17+, Mizoguchi states that still image data can be stored as a group of image data. This allows for more than one frame of data to be stored at one time. This allows for more data to be replayed, which is advantageous. For this reason, it would have been obvious to have the storage means in Ishiyama capable of storing a plurality of frames by being divided into a plurality of storage sections.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231
or faxed to:


(703) 308-6306

or:

(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
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LN LN
5/19/2000


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